REMARKS

The Final Office Action mailed September 23, 2005, and the references cited by the Examiner have been carefully reviewed by Applicants. Applicants have canceled Claims 1-7 and 12-31 (claims 8-11 were previously canceled). Claims 32-34 are now pending in this case. Applicants submit that, for the reasons discussed below, the pending claims are in condition for allowance and Applicants earnestly seek such allowance.

In-Person Interview

Applicants' attorney, Michael Piper, had an in-person interview with the Examiner on October 25, 2005. Applicants' attorney appreciates the Examiner's time and assistance during the interview. During the interview the Examiner suggested that, based on Applicants' analysis of the Kuznetsov reference cited by the Examiner, independent Claim 32 and dependent claims 33-34 would likely be allowable. The Examiner suggested that Applicants' memorialize, in a Response After Final Rejection, Applicants' analysis of the differences between the Kuznetsov reference and pending Claims 32-34. The Examiner further suggested submitting the Terminal Disclaimer at this time.

Double Patenting Rejection

The Examiner provisionally rejected Claims 1-7 and 12-34 under the judicially created doctrine of double patenting over claims 1 and 6-7 of co-pending Application No. 09/919,436. In response and in anticipation of allowance of the present case, submitted herewith is a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c). Accordingly, Applicant respectfully requests the acceptance of the Terminal Disclaimer and withdrawal of the provisional rejection of the remaining Claims in this case.

Response to Rejections under Section 102

In the Office Action dated September 23, 2005, the Examiner rejected Claim 1 under 35 USC § 102(a) as being anticipated by Kuznestov (U.S. Patent No. 6,772,413). Applicants have canceled Claim 1 obviating this rejection.

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Response to Rejections under Section 103

In the Office Action dated September 23, 2005, the Examiner rejected Claims 2-7 and 12-34 under 35 USC § 103(a) as being unpatentable over Kuznestov (U.S. Patent No. 6,772,413). Applicants have canceled Claims 2-7 and 12-31 obviating the rejection of these Claims. Applicants have carefully reviewed the cited reference, the Examiner's reasons for rejection, and remaining pending Claims 32-34. The Kuznetsov reference appears to be directed to a system where data is "converted directly from one format to another without first converting to an intermediate format." (Kuznetsov col. 7, lines 3-5) Applicants' system, as described in one embodiment, converts messages between native formats such as JMS, CORBA, and Cobol copybook using an intermediate message format - a structured event message in structured event format. Thus Applicants' invention does exactly what the Kuznetsov reference teaches not to do – convert to an intermediate format.

Applicant's invention may be viewed as middleware for middleware. That is, JMS messaging systems may receive messages destined for CORBA or mainframe systems and vice versa. Since the messages of these systems are incompatible, the messages must be converted before they can be used. The Kuznetsov reference cited by the Examiner suggests that the messages be converted directly from a source format to the destination format. However, the present system includes a middleware brokering system where the messages from these various middleware systems are sent. Instead of converting directly from one format to another, the messages are converted into an intermediate format, the structured event message format. More specifically, Applicants' invention as claimed in claim 32 communicates a message from a mainframe system in a Cobol copybook format and maps the Cobol copybook format message

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onto the fields in a structured event format. The converted Cobol copybook message is communicated to a middleware brokering system. A message from a JMS system in a JMS message format is communicated and mapped onto the fields in a structured event format. The converted JMS message is communicated to the middleware brokering system. A message from a CORBA system in the structured event format is communicated to the middleware brokering system. The middleware broker determines the destination for each of the messages from the JMS, CORBA, and mainframe systems and directs each of the messages to the appropriate one of the JMS, CORBA, and mainframe systems.

Further, the Kuznetsov reference fails to provide any teaching or disclosure of Cobol copybook message format, JMS messages, CORBA, structured event messages or structured event message format. An obviousness rejection is improper unless the cited references teach, disclose, or suggest each and every element of the rejected claims. Applicants respectfully submit that the Kuznetsov reference fails to teach, disclose, or even suggest, either alone or in combination with other references, Applicants' invention of converting to an intermediate format (a structured event message format) as claimed in Claim 32. Since the cited reference fails to disclose these aspects of Applicants' invention as claimed in Claim 32, and in fact teaches away from Applicants' invention, Applicants request the Examiner to withdraw the rejection of Claim 32 and pass same to issue.

The Examiner rejected pending Claim 33 based on Kuznetsov (col. 10, lined 47-col. 11, line 6). The cited text discloses translating from a source to a destination data format to avoid translating to the intermediate format. However, Applicants' invention as claimed in Claim 33 is directed to converting from the intermediate format, the structured event format, back to the destination and/or source formats Cobol copybook format and/or JMS format. The teachings of

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Kuznetsov would suggest converting directly from Cobol copybook to JMS format, not the intermediate format as provided by Applicants' invention. Since the cited references, alone or in combination, fail to teach, disclose, or suggest Applicants' invention as claimed in Claim 33, Applicants' respectfully request that the Examiner withdraw the rejection of Claim 33 and pass same to issue.

The Examiner rejected pending Claim 34 based on Kuznetsov (col. 7, lines 23-41) which discloses the use of numerous translators to translate data between two nodes and also discloses translating data between communications networks, Host Exchanges, and Business Interconnect Centers. However, Applicants have carefully reviewed the cited text and are unable to find any teaching or disclosure of publish/subscribe engines or registering messages with a publish/subscribe engine. Claim 34 includes registering messages with a publish/subscribe engine and brokering messages based on the messages that the middleware systems (JMS, CORBA, mainframe systems) have subscribed to or registered to receive. Since the Kuznetsov and other references fails to teach, disclose, or suggest these aspects of Applicants' invention, Applicants request the Examiner to withdraw the rejection of Claim 34, as well as Claims 32 and 33, and pass same to issue.

Conclusion

Applicants respectfully submit that the application in its present form is in condition for allowance. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, Examiner is encouraged to telephone the undersigned at (972) 731-2288. Applicants intend this communication to be a complete response to the Office Action mailed on September 23, 2005.
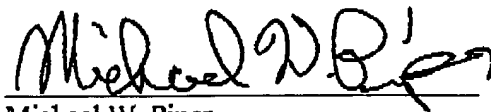
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The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.

Respectfully submitted,

Date: _11/22/2005_____

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